

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
DIANA DYSON,	:	
	:	
Plaintiff,	:	
	:	23 Civ. 9952 (LGS)
-against-	:	
	:	<u>ORDER</u>
CURTIS BENTON,	:	
	:	
Defendant.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Complaint states that jurisdiction in this matter arises under 28 U.S.C. § 1332 and alleges that the parties are completely diverse, with Plaintiff a citizen of New York and Defendant a citizen of North Carolina;

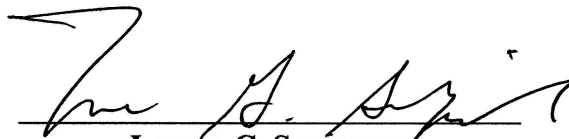
WHEREAS, Defendant was served process at an address in Mount Vernon, New York. Defendant's Answer, filed on December 6, 2023, provides the same New York address;

WHEREAS, it is well-settled that courts "have an independent obligation to consider the presence or absence of subject matter jurisdiction *sua sponte*." *Hunter v. McMahon*, 75 F.4th 62, 66 (2d Cir. 2023). When subject matter jurisdiction is lacking, "the district court lacks the power to adjudicate the merits of the case" and must accordingly dismiss the action without prejudice. *Green v. Dep't of Educ. of City of New York*, 16 F.4th 1070, 1074 (2d Cir. 2021). It is hereby

ORDERED that by **December 13, 2023**, Plaintiff shall file a letter explaining whether a basis for subject matter jurisdiction exists.

The Clerk of Court is respectfully directed to mail a copy of this Order to Defendant at the address listed on ECF.

Dated: December 8, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE